

Planning Commission
Staff Report
February 15, 2007



Case: 9-48-06W / Change In Zoning
Project Name: 1st Independence Bank
Location: 4802 Outer Loop, 7701, 7703, 7705 and 7707 Laurel Ridge Rd.
Owner/Applicant: Ardmore, LLC.
Representative: Bissell Roberts
Engineer/Designer: Mindel Scott & Assoc.
Project Size/Area: 1.9 Acres
Form District: Neighborhood
Zoning District: R-4, R-5
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Latondra Jones, Planner II

Request

Change in zoning from R-4 and R-5 to C-1 for construction of a 1-story, 4,361 sf. bank.

Waiver of Section 10.2.4 of the LDC to reduce the height of the required landscaping screen adjacent to residential from 8 feet to 6 feet.

Staff Recommendation

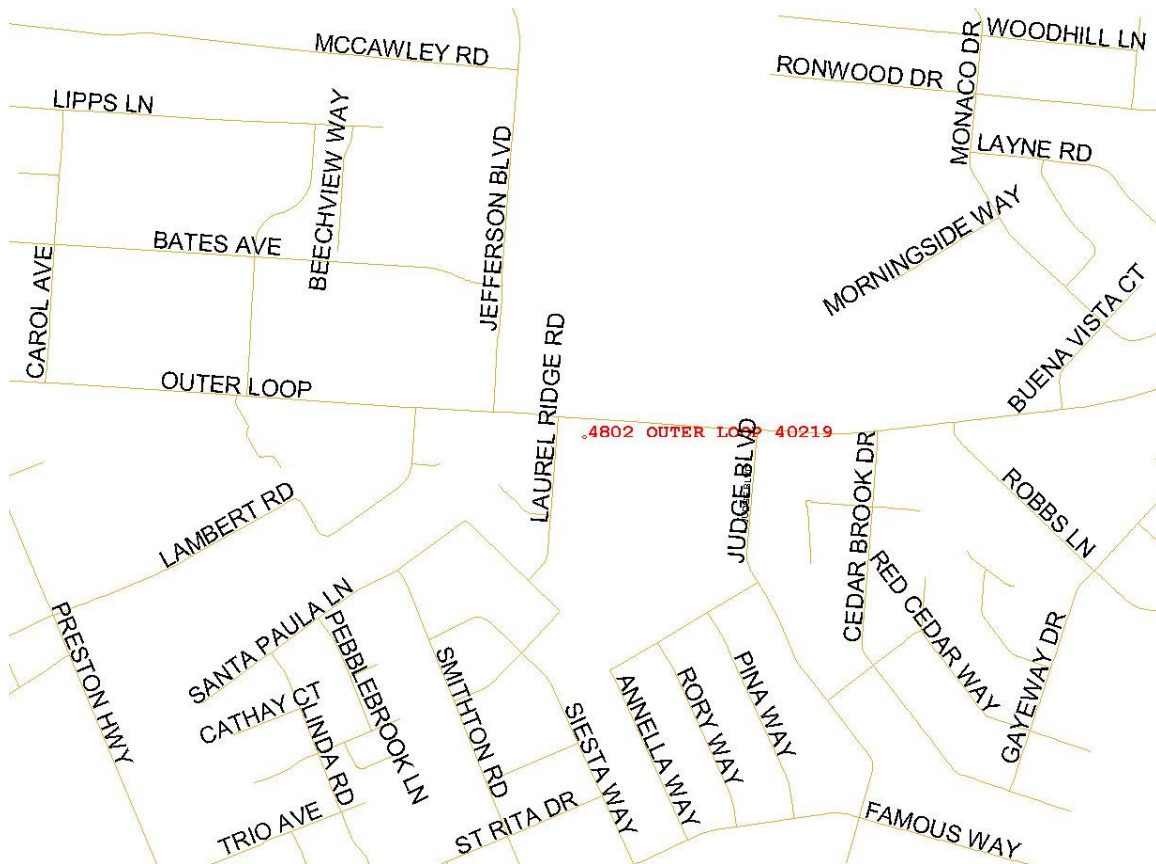
Staff recommends **denial** of the change in zoning.

Staff recommends **denial** of the landscape waiver.

Waivers

Location	Requirement	Request	Waiver
North Property Line	8' (screen height)	6'	2'

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Case Summary / Background

Summary

This case was continued at the January 4 Public Hearing to allow:

- The applicant to work with adjoining property owner(s) to try to provide a vehicular connection
- Revise the design of the site to be more compatible with adjacent residential
- Allow Transportation to review traffic information submitted by the applicant at the hearing

The applicant has provided a letter stating that the adjoining property owners of Republic Bank have declined a vehicular connection to the proposed development.

At the February 8 LD&T meeting, the applicant was asked to provide documentation from the actual property owner, Brown Noltemeyer, stating their position on the connectivity issue.

The applicant has provided a letter from Brown Noltemeyer regarding this issue.

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The applicant has submitted revised renderings and has met with Planning and Design staff. The renderings have been approved with a possible concern about the roof pitch needing to be smaller.

Transportation has reviewed the traffic information submitted by the applicant. No significant traffic issues were found. However, In looking at the site and adjacent property, there is a paved area to the rear of the property that is not actually on Republic Bank property that appears to be intended for cross access. A binding element has been added as discussed at the January 4 Public Hearing pertaining to connections upon future development.

The site is located in Laurel Ridge Subdivision, Section 1. Lots 49 – 52 (Lot 1 on the plan) will be consolidated for this development. Lot 2 is a .86 acre open space lot to remain R-4. The applicant has provided deed restrictions excluding these lots from the residential deed restrictions of the subdivision. The applicant has provided renderings that meet building and site design standards. The required setbacks are being observed.

The primary entrance to the bank will be from Laurel Ridge Rd. The KY Dept. of Transportation is allowing a right-in/right-out from Outer Loop. Outer Loop is a designated parkway and the required 30-foot parkway buffer and setback are being observed along Outer Loop. The required 15-ft. buffer is being observed along the entire Laurel Ridge Rd. frontage. A 5-ft. sidewalk is proposed along Outer Loop. A 6-ft., 60 sf. monument sign is also proposed. Twenty-two parking spaces are proposed, which is the maximum allowed. Lighting details have also been provided.

Site Context

The site is located at the intersection of Laurel Ridge Rd. and Outer Loop, across the street from the Jefferson Mall. The site is zoned R-4 and R-5 and in the Neighborhood Form District. The site is part of Laurel Ridge Subdivision, Section 1. To the north, across Outer Loop, is Jefferson Mall, located in the Regional Center Form District. To the south are several residential subdivisions zoned R-4 and R-5 and in the Neighborhood Form District. To the east is Republic Bank and other commercial uses traveling east on Outer Loop, also in the Regional Center Form District. To the west are residential subdivisions in the Neighborhood Form District.

Land Use / Zoning District / Form District

	Land Use	Zoning	Form District
Subject			
Existing	Vacant	R-4/R-5	Neighborhood
Proposed	Commercial	C-1	Neighborhood
Surrounding			
North	Commercial	C-2	Regional Center
South	Residential	R-4/R-5	Neighborhood
East	Commercial	C-2	Regional Center
West	Single-family residential	R-4	Neighborhood

Background

Rezoning for Pizza Hut, approved by Planning Commission, denied by Board of Aldermen

Record Plats: Laurel Ridge, Section 1, Plat Book 31, Page 12; Section 2, Plat Book 33, Page 38

Project History

Project History	Date	Issues addressed / discussion / changes to proposal
Pre-application meeting	8/2/06	
Project submittal	9/1/06	
Staff review	9/20/06	LDC/Comp. Plan/Inter-agency review
Revision submittal #1	9/22/06	Revised plans per agency comments
Site Inspection	1/3/06	
LD&T review	10/26/06	
Public hearing (previous)	N/A	
BOZA (previous)	N/A	

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

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Staff Findings

Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:

Community Form – The proposed development violates intent of Guideline 1.B.3. (Neighborhood). Commercial development located on the corner of a residential subdivision, in area of established residential subdivision, rather than integrated into an activity center, or the Regional Marketplace Corridor Form District that is adjacent to the site.

2.1, 2.2. (Centers) – Apparent Violation. Site not located in adjacent activity centers just north and east of the site, or other appropriate center.

3.1, 3.3. (Compatibility) – proposed development is not consistent with scale or pattern of adjacent residential development. Site is located too closely, inappropriately, with residential development.

3.4 (Non-Residential Expansion) – non-residential expansion is discouraged into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated.

3.7, 3.8, 3.9 (Noise, lighting, visual impacts) –buffering, lighting, and signage details have been provided.

3.21 (Transitions - Ensure appropriate transition between uses that are substantially different) –buffering, lighting details and renderings have been provided

3.24 (Minimize impacts of parking, loading and delivery) – this will be mitigated through provision of the LBAs. The landscape waiver, per the applicant, is at the discretion of the adjoining property owner.

Marketplace – N/A

Mobility / Transportation -7.1, 7.2, 7.3 (Impact of Developments, Impact Mitigation, Transit Supportive Development) - Refer to Transportation, APCD and TARC comments listed under Technical Review.

7.4 (Land Use and Transportation) – Apparent Violation. Provide transportation services and facilities in activity centers rather than in a linear pattern.

7.5 (Major Thoroughfare (R/W requirement) – required R/W proposed on Outer Loop. Required setback observed.

7.6 (Access to surround uses) – Apparent Violation – access not established to adjoining commercial (Brownfield Square)

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Livability / Environment – 13.4 (Landscape Design Standards), 13.6 (Buffers for Incompatible Uses) – the applicant is requesting a waiver of the landscaping/screening requirement. The applicant's justification for the waiver is that the proposed screening is being provided at the adjoining property owner's (Humphrey) request.

13.5 (Tree Canopy), 13.7 (Scenic Roadways) – meets requirements

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s):

The site is part of the Outer Loop Corridor Study, which makes an office/apartment recommendation for the site.

Technical Review

1. The primary issue to discuss is compatibility of the proposed development. The site is located within an established residential community, just outside the Regional Marketplace Corridor and commercial uses established east along Outer Loop.
2. Transportation review has reviewed the plan and requested a vehicular connection to the adjoining commercial property to the east. The plan shows a 30-ft. access easement connecting.
3. KDOT has reviewed the plan and allowed a right-in/right-out onto Outer Loop.
4. APCD has reviewed the plan and found no adverse air quality impact exceeding national standards.
5. TARC has reviewed the plan and has no transit-specific requests.
6. MSD has reviewed the plan and given preliminary approval.
7. Staff met with adjoining property owners who expressed concerns about traffic on Laurel Ridge Rd. Due to the lack of a traffic signal at the intersection of Laurel Ridge Rd. and Outer Loop, traffic backs up at Laurel Ridge Rd. while residents wait to turn or cross. Lack of notification to residents in Laurel Ridge Subdivision was also a concern.

Standard of Review

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **or**

Staff Finding: The proposed rezoning does not comply with the applicable guidelines and policies of Cornerstone 2020 as listed under Staff findings.

2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **or**

Staff Finding: The existing zoning classification is appropriate and the proposed classification is inappropriate. The Outer Loop Corridor Study makes an office/apartment recommendation for the site.

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

Conditions for granting the waiver:

1. Will not adversely affect adjoining property owners

Staff Finding: The waiver will adversely affect adjoining property owner because the required screening height would more effectively screen the proposed development from adjoining residential.

2. Will not violate the guidelines of the Comprehensive Plan

Staff Finding: The waiver will violate Guidelines 13.4 and 13.6 of the Comprehensive Plan.

3. Is the minimum necessary to afford relief to the applicant

Staff Finding: The waiver is not the minimum necessary to afford relief to the applicant because the required screening can be provided.

4. The strict application of the provisions of the regulation would (not) deprive applicant of the reasonable use of the land or would (not) create an unnecessary hardship on the applicant.

Staff Finding: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship because the required screening can be provided.

Attached Documents / Information

1. Zoning Map
2. Findings of Fact

Notification

The following forms of notification were provided pertaining to this proposal:

Date	Description	Recipients
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10/13/2006	LD&T notice	APO & Neighborhood Groups
10/13/2006	Neighborhood Notification	Registered parties
12/1/2006	Public Hearing Notice	APO & Neighborhood Groups

Standard Binding Elements (applicable to all cases of this type)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Use of the subject site shall be limited to a bank and other uses permitted in the C-1 zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or its designee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The Floor Area Ratio of the development shall not exceed 0.1.
4. Signs shall be in accordance with Chapter 8 of the LDC.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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- c. A minor plat shall be recorded creating the property lines per the development plan.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 8 LD&T meeting.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
12. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. Upon development/redevelopment of adjacent properties to the East, a unified access and circulation system shall be developed to eliminate (and restore area as required) the right-in/right-out curb cut on Outer Loop and provide for vehicular movement throughout adjacent sites as determined appropriate by Planning Commission and/or Transportation. A reciprocal access and crossover easement/agreement to run with the land and in a

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form acceptable to Planning Commission legal counsel shall be entered into. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument. At the time of construction on the Adjacent Properties, the Applicant further agrees to construct the cross access easement/agreement area(s) up to the common property line.

Proposed Binding Elements (unique to this case)

To Be Determined

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Name

Title

Date